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Temujin Labs Inc. (Cayman Islands), Lily Chao,
and Damien Ding

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ARIEL ABITTAN,

Plaintiff,

v.

LILY CHAO et al.,

Defendants.

Case No. 20-CV-09340-NC

**O'SHAUGHNESSY DECLARATION IN
SUPPORT OF TEMUJIN'S
OPPOSITION TO PLAINTIFF'S RULE
41(a)(2) MOTION TO DISMISS
WITHOUT PREJUDICE, SEEKING
INSTEAD A DISMISSAL WITH
PREJUDICE OR SIGNIFICANT
CONDITIONS**

Judge: Hon. Nathanael Cousins

Filed: December 24, 2020

O'SHAUGHNESSY DECL. ISO OPPOSITION TO PLAINTIFF'S
RULE 41(a)(2) MOTION, SEEKING INSTEAD DISMISSAL WITH PREJUDICE
OR SIGNIFICANT CONDITIONS

1 I, Patrick O'Shaughnessy, declare,

2 1. I am an attorney licensed to practice law in the State of California. I serve as Of
3 Counsel at SAC Attorneys LLP, counsel for Temujin Labs Inc., a Delaware Corporation,
4 Temujin Labs Inc., a Cayman Islands Corporation, Lily Chao, and Damien Ding (collectively,
5 "Temujin") in the above-captioned matter. I submit this declaration in support of Temujin's
6 Opposition to Plaintiff's motion to dismiss his case without prejudice, seeking instead a
7 dismissal with prejudice or significant conditions.

8 2. I possess personal knowledge of the facts set forth herein. If called as a witness, I
9 could and would competently testify to them.

10 3. I conferred with Ms. Brianna Pierce, counsel for Mr. Abittan, on June 13, 2023
11 about Mr. Abittan's responses and objections to Temujin's April 28, 2023 discovery requests,
12 and we substantially narrowed the scope of those requests to focus on the materials from which
13 Plaintiff built his complaint in this case.

14 4. Ms. Pierce said then that her client planned to produce documents in response to
15 these discovery requests if this Court entered a sufficient protective order. She subsequently
16 updated me on the current status of the parties' negotiations on the proposed protective order.

17 5. Attached as Exhibit A is a true and correct copy of the email I sent to her on June
18 13, 2023 following that discussion.

19 6. I subsequently sought more information about the status of the parties'
20 negotiations on the proposed protective order, and promptly followed up with Ms. Pierce to
21 continue the negotiations.

22 7. Attached as Exhibit B is a true and correct copy of the email I sent to her on June
23 14, 2023 to follow up on the proposed protective order.

24 8. The remaining issue on the protective order negotiations was whether the
25 documents may be shared across the pending federal and state lawsuits.

26 9. Attached as Exhibit C is a true and correct copy of the email I sent to Ms. Pierce
27 and her colleague Mr. Constantine Economides on June 26, 2023 with a draft proposed

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1 protective order attached, as well as a redline comparing it to the version Ms. Pierce previously
2 sent me.

3 10. This draft reflects an apparent resolution of the remaining issue in the
4 negotiations, *i.e.*, it proposes to permit sharing of discovery in this case across the pending
5 federal and state lawsuits reflected in the proposed order.

6
7
8 I declare under penalty of perjury that the foregoing is true and correct.

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10 Dated: July 12, 2023

SAC ATTORNEYS LLP

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13 /s/ Patrick O'Shaughnessy
14 Patrick O'Shaughnessy
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28 O'SHAUGHNESSY DECL. ISO OPPOSITION TO PLAINTIFF'S
RULE 41(a)(2) MOTION, SEEKING INSTEAD DISMISSAL WITH PREJUDICE
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